**PATENT** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic	ation No January	o.: 09/48 18, 200	00 E	n Khanuja, et al. Group No.: 1634 Examiner: A. K. Chakrabarti HOD FOR SELECTION OF INSECT TOLERANT PLANTS			
[ ] *P	atent No Reexa	o.: minatio	Issue Date: n Date:				
*NOTE:	Preferab	oly also ir	asert inventor's name an	d invention title.			
	ant Con ngton D		ner for Patents 231				
	A	DOUB	TERMINAL LE PATENTING			OBVIATE F.R. SECTION 1.321(c))	
			Identification of	Person(s) Ma	king Th	is Disclaimer	
I,		T I. CO (type or p		tors or assigns o	r name of	attorney signing disclaimer)	
	(a)	repres	ent that I am				
		[]	an inventor (appli	cant) of this ir	nvention		
		[]	an assignee of this	s invention.			
	· · · · · · · · · · · · · · · · · · ·	CERT	IFICATE OF MAILIN	G/TRANSMIS	SION (37	C.F.R. SECTION 1.8(a))	
hereby	certify th	at, on the	date shown below, this	correspondence	is being:		
		M	AILING			FACSIMILE	
[ ]	with su envelop for Pate	fficient pe address ents, Was	the United States Postal postage as first class maded to the Assistant Comminington, D.C. 20231.	ail in an	[X]	transmitted by facsimile to the Patent Trademark Office, (703) 746 - 4979.	and
Date: JANUARY 7, 2003						et I. Cord print name of person certifying)	

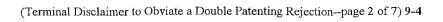
WARNING:

"If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the

(Terminal Disclaimer to Obviate a Double Patenting Rejection--page 1 of 7) 9-4



	assignee must comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56, Section 1490, M.P.E.P., 7th Edition.					
		[]	a representative authorized to sign on behalf of the assignee identified below.			
		[]	A statement under 37 C.F.R. Section 3.73(b) is attached.			
WARNI	NG:	See the above "WARNING".				
		[x]	the attorney of record for this invention.			
NOTE:	Assignment date must be shown even if an attorney signs.					
NOTE:	The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with Section 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56. See also Section 1490, M.P.E.P., 7th Edition.					
		IDE	NTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT (if any)			
The as	signee i	S				
	Name	of assign	nee Council of Scientific and Industrial Research			
	Address of assignee Rafi Marg, New Delhi 110-001 INDIA					
	If sign	ed by as:	signee, title of disclaimant authorized to sign on behalf of assignee			
			EXTENT OF DISCLAIMANT'S INTEREST			
The ex	tent of t	he intere	st in this invention that the disclaimant owns is:			
	[X]	the wh	ole of this invention.			
	[]	a section	onal interest in this invention, as follows:			
NOTE:	Disclai	mers from	the whole interest must be filed.			
			(state the exact interest of the disclaimant)			
The dis	sclaima	nt is:				
	[ ] [X]		plicant(s)			





## RECORDAL OF ASSIGNMENT IN PTO

(if applicable)

[X] T	he assignment was recorded on <u>May 18, 2000</u>		
	rame <u>0813</u>		
[ ] A	authorization for recordal of the assignment is separately filed:		
	[ ] "ASSIGNMENT (DOCUMENT) COVER SHEET" or [ ] FORM PTO 1595 is also attached.		
I	ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION (if applicable)		
	ttached is a STATEMENT UNDER 37 C.F.R. Section 3.73(b) establishing the right of the assignee to take action in this case.		
	DISCLAIMER (select one of the following)		
(Provisional	Obviousness-Type Double Patenting Rejection Over A Pending Application)		
Nothat any patent so that it and any pate	hereby disclaims, except as provided below, the terminal part of any patent granted on tion, which would extend beyond the expiration date of any patent granted on Application, as shortened by any terminal disclaimer. Petitioner hereby agrees granted on the instant application shall be enforceable only for and during such period ent granted on the above-listed application are commonly owned. This agreement runs granted on the instant application and is binding upon the grantee, its successors, or		
In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No.:, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.			



#### DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

[]	Other than a small entityfee \$110.00				
[]	Small e	ntityfee \$55.00			
	[]	Small entity statement attached Small entity statement already filed [ ] in patent application	on		
		OR		(date)	

#### (Obviousness-Type Double Patenting Rejection Over A Prior Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No.

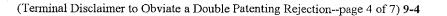
5,898,001 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant

application and is binding upon the grantee, its successors, or assigns.

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[]	Small entityfee \$55.00				
	[ ] Small entity statement attached [ ] Small entity statement already filed [ ] in patent application	on	(date)		

OR





# (Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application--Reexamination Proceeding)

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In making the above disclaimer, disclaimant does not disclaim the terminal part of any reissue certificate granted on the instant patent being reexamined that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No.:
is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.
DISCLAIMER FEE (37 C.F.R. Section 1.20(d))
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OR
(Provisional Obviousness-Type Double Patenting Rejection Over A Prior Patent Reexamination Proceeding)
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In making the above disclaimer, disclaimant does not disclaim the terminal part of any reexamination certificate granted on the instant patent that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No.: \_\_\_\_\_\_\_\_, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

#### DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

				(data)		
	[]	Small entity statement attached Small entity statement already filed  [ ] in patent application	on			
[]	Small entityfee \$55.00					
[]	Other	Other than a small entityfee \$110.00				



### FEE PAYMENT

	[]	Alread	y paid
	[]	Attache	ed is a check in the sum of \$
		[X]	Charge Account 12-0425 for any fee deficiency.
	[]		e Deposit Accountthe sum of \$icate of this disclaimer is attached.
			Signature of disclaimant
Date: _	Januar	y 7, 200	
			Janet I. Cord  (type or print name of practitioner)
			Ladas & Parry
			26 West 61st Street
			New York N.V. 10023

Reg. No. 33,778 (212) 708-1935

